

REMARKS

The only issue outstanding in the Office Action dated November 16, 2009, is the rejection under 35 USC §102 and 103. Reconsideration of these issues, in view of the following discussion is respectfully requested. The Examiner is thanked for indicating withdrawal of all prior rejections.

Rejection Under 35 USC §102

Claims 1, 2 and 6 have been rejected under 35 USC §102(b) over Fu '628.

Reconsideration of this rejection is respectfully requested.

Applicants are well aware of the content of the Fu disclosure, in as much as the Assignee, Rona/EM Industries, Inc. is subsidiary of Merck KgaA, the parent company of the Assignee of the present application. As with the primary reference cited in the previous response, Fu discloses pigments which are coated with silver *oxides*. As a result, these pigments are substantially different from those of the present claims. The situation is not, as alleged on page 3 of the Office Action, that “the product is taught.” As disclosed in the present specification, for example at page 14, lines 26-27 and page 15, lines 1-4, the present pigments do not contain silver oxide and/or contain silver silicates and/or silver titanates. This is because in the preparation process of product by process claim 1, the agitation process wherein silver oxide is employed does not adhere silver oxide to the surface of the substrate (for example, as would be the case if silver oxides were precipitated in situ from, for example, silver nitrates) but instead a small amount of silver ions dissolve in the solution and adhere (i.e., are bonded) to the inorganic pigments. Again, see pages 14 and 15 of the present specification. Thus, the product of the present claims is not that of Fu, and is not anticipated thereby. Note that, in the examples of Fu, a conventional preparation process is employed wherein precursor solutions of metals to be deposited are combined in situ with substrates and then precipitated thereon by pH adjustment. For example, titanium and copper oxides are produced by precipitation of cupric chloride and titanium chloride mixtures. This produces oxide-coated substrates. See page 9 of Fu.

Accordingly, withdrawal of the anticipation rejection is appropriate, and is respectfully requested.

Rejection Under 35 USC §103

Claims 1, 2, 6, 7, 9, 14 and 16 have been rejected under 35 USC §103 over Fu taken with Bagala and Cosmetics and Toiletries. Reconsideration of this rejection is respectfully requested.

The deficiencies of Fu are set forth above. As with the references employed in the previous Office Action, Fu discloses only silver oxides on a substrate, at best. Thus, regardless of any additional features arguably suggested by the secondary references, none of the references, singly or in combination, suggest a procedure which would result in silver ions bonded to the surface of the substrate, rather than silver oxides precipitated thereon and, for example, adhered by van der Waals forces. Accordingly, it is submitted that the references do not suggest the presently claimed products, and withdrawal of this rejection is also respectfully requested.

It is noted that a non-product by process claim, new claim 35, has been added. Claim 35 further highlights the different nature of the products of the invention. This claim is also neither anticipated nor suggested by the references.

All claims are submitted to be in condition for allowance. However, should the Examiner have any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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